

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DAVID CHRISTOPHER LEE WALTON,

ORDER

Petitioner,

19-cv-45-bbc

v.

BRIAN FOSTER,

Respondent.

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Petitioner David Walton, who is incarcerated at the Waupun Correctional Institution, has filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254. In an order entered on March 18, 2019, I found that petitioner had presented a “mixed petition” including both exhausted and unexhausted claims and gave him an opportunity to decide whether he prefers to: (1) abandon his unexhausted claims and proceed solely on the claims that have been exhausted; or (2) pursue his unexhausted claims in state court and have the court dismiss his petition without prejudice for his failure to exhaust his state court remedies. Dkt. #13. Petitioner has responded to that order, stating that he is choosing option number two. Dkt. #14. Accordingly, I will dismiss the petition without prejudice.

ORDER

IT IS ORDERED that the petition filed by petitioner David Christopher Lee Walton is DISMISSED without prejudice for his failure to exhaust his state court remedies.

Entered this 1st day of April, 2019.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge